



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

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MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Keith Dennis, Senior Planner
For: Michael Turisk, Interim Planning Director
SUBJECT: Docket Z-11-07 (Hannon)
DATE: September 14, 2011, for the September 27, 2011 Meeting

APPLICATION FOR A REZONING

Docket Z-11-07 (Hannon): The Applicant seeks to rezone an 8,400 square foot parcel of land from MH-72 (Manufactured Home District, one dwelling per 7,200 square feet) to GB (General Business), in order to facilitate a Contract Construction Services land use. The Applicant, Robert Hannon of New Mountain Plumbing, intends to construct a 1,216 square foot plumbing shop on the property and operate his business from the subject parcel.

The subject parcel, 106-70-072A, is located at 110 South 5th Street in Sierra Vista, AZ.

I. PLANNING AND ZONING COMMISSION

On August 10, 2011, the Planning and Zoning Commission voted unanimously (6 – 0) to forward this Docket to the Board, with a recommendation of conditional approval. The Commission recommendation included the conditions recommended by staff.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 8,400 Square Feet
Zoning: MH-72 (Manufactured Home District, 1 dwelling per 7,200 square feet)
Growth Area: Category A Urban Growth Area
Plan Designation: Enterprise Redevelopment
Area Plan: Sierra Vista Sub-Watershed
Existing Uses: 120 square foot storage shed
Proposed Uses: Rezone to General Business to allow Contract Construction Services

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Tile Shop
South	MH-72	Manufactured Home
East	MH-72	Vacant Lot
West	GB	Warehouse/Industrial

III. PARCEL HISTORY

1988 – Permit issued for 450 square foot manufactured home and chain link fence surrounding property;

2000 – Violation issued for auto repair without a permit. In 2004, an additional violation was issued for unauthorized auto repair. These violations were issued to a previous owner of the property.

IV. PROJECT DESCRIPTION

The Applicant, Robert Hannon of New Mountain Plumbing, seeks to establish a Contract Construction Services land use on the property. This includes construction of a 1,216 square foot site built building, to be used as an office and yard for the business. Such a use is not permitted under the MH-72 District regulations, but is a permitted principal use in the General Business District. The Applicant thus seeks to rezone the property to GB, to facilitate the intended land use.



Northwest view of the subject property on 5th Street in Fry.

V. ANALYSIS OF IMPACTS

Mandatory Compliance

The properties are within a Category “A”—Urban Growth Area with an “Enterprise Redevelopment” Comprehensive Plan designation. Section 402 of the County Zoning Regulations permits owners of property lying within areas so designated to request a rezoning to the General Business District.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. These factors are employed by staff to analyze a request, to formulate a recommendation, and to determine what conditions would apply to such recommendation.

Thirteen of the 15 criteria are applicable to this Docket, and the request complies with eight of the 13 applicable criteria as submitted. With the conditions of approval recommended by staff, the application would comply with 12 of the 13 criteria.

1. Provides an adequate Land Use/Concept Plan: Complies

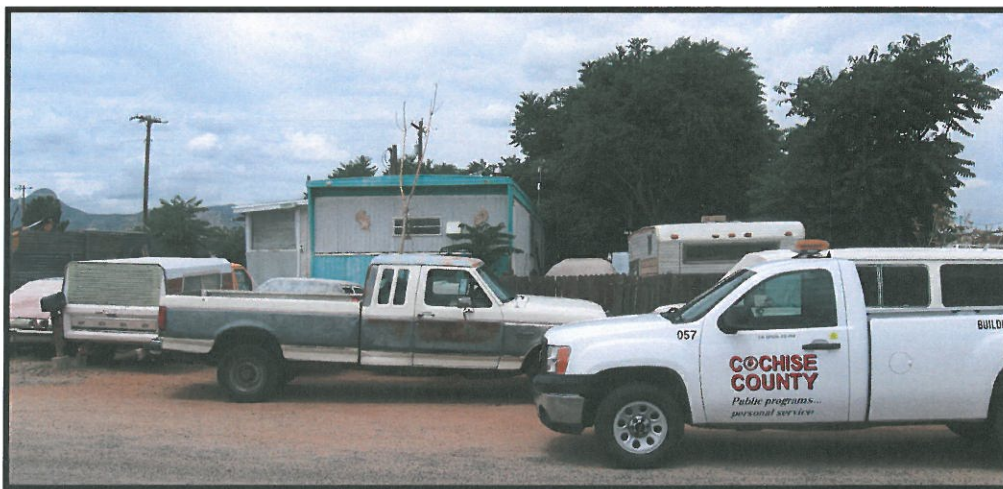
The Applicant's site plan provides sufficient information required to satisfy this factor.

2. Compliance with Applicable Site Development Standards: Does Not Comply

Rezoning the property to General Business to facilitate a Contract Construction Services land use would not, in itself, create any conflict related to development standards. For example, a Contract Construction Services land use may be permitted as a vehicle and equipment storage yard only, with no new proposed construction. The Applicant proposes to construct an approximately 30' x 40' building on the property for the business. The parcel itself is 60 feet wide along the 5th Street frontage. A 5'9" setback is proposed along the North side, abutting the General Business District to the North. Along the South side, the proposed setback is 24 feet. This site-specific condition would have to be remedied by means of a Variance in order to allow the development to proceed as planned.

Working with the Applicant, staff has identified a number of development standard deficiencies regarding the proposed use. On September 28, 2011 – the evening following the Board of Supervisors public hearing on this Docket – the Board of Adjustment for District 1 will hold a public hearing on a request for Variances to address these deficiencies. The Variances requested are: 1804.06.F.1 (waiver for defined driveways); 1804.06.F.3 (variance to driveway width); 1804.07.B (variance from driveway and parking area surfacing requirements); 1203.05 (waiver from screening requirements); 1806.02.B (waiver from landscaping requirements); and 1203.02 (Variance to required setbacks).

Staff suggested that the Applicant apply for these Variances in advance of the Board action on the rezoning request, in order to expedite the Applicant's progress towards developing the property as intended. Should the Board deny the rezoning application, the Board of Adjustment will be informed of this on September 28, and the item will not be acted upon.



The property immediately South is also zoned MH-72, and is developed for manufactured home use.

3. Creation of Districts Capable of Development: Complies.

The proposed General Business zoning would not result in any limitation on neighboring properties' development capacity.

4. Limitation on Creation of Nonconforming Uses: Complies.

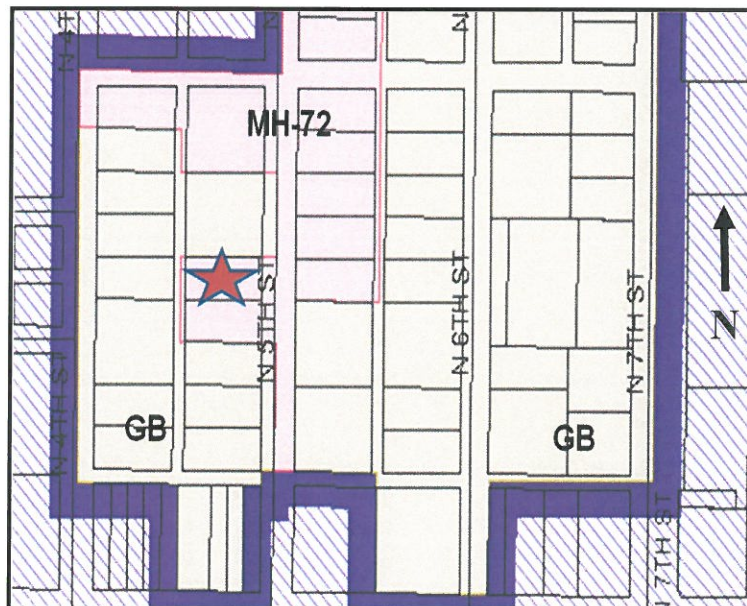
The rezoning would not create any nonconforming land uses, but as stated above, the proposed development could not conform to the General Business setback standard due to site conditions.

5. Compatibility with Existing Development: Complies.

The neighborhood, the Fry Townsite County enclave, is characterized by heavy commercial and industrial uses, and scattered manufactured home development. The rezoning proposal would facilitate a land use compatible with the character of the neighborhood.

6. Rezoning to More Intense Districts: Complies.

The rezoning request to General Business is for a parcel that borders a GB District on two sides, and is thus an extension of an existing District.



The property is adjacent to a GB District on the North and West sides.

7. Adequate Services and Infrastructure: Complies (Subject to Condition #3).

The parcel takes access from a paved, County-maintained road, and adequate access to water sewer and power services.

In order to ensure adequate infrastructure for the project site, an access driveway to the 5th Street travelway will be required. The Applicant is aware of the requirement for adequate access, and the concept plan reflects this. Condition #3 would require that, during the commercial permitting process, the Applicant obtain a right-of-way permit from the County Highway Department and construct a County-approved commercial apron to the property from 5th Street (See Attachment D – Transportation Planner Memo).

8. Traffic Circulation Criteria: Complies (Subject to Condition #3).

The proposal would result in a land use in keeping with the form and function of the surrounding transportation network. As with factor 7, above, the recommended requirement for a commercial apron accessing 5th Street would ensure compliance with this factor (See Condition #3).

9. Development Along Major Streets: Not Applicable.

The property does not access any major roadway.

10. Infill: Complies.

As a request for a General Business District rezoning within an Enterprise Redevelopment Plan Designation area, the proposal would comply with this factor.

11. Unique Topographic Features: Not Applicable.

There are no topographical features on the property that warrant special consideration.

12. Water Conservation: Complies (Subject to Condition #4).

The parcel is within the Sierra Vista Sub-Watershed Plan area, and is therefore subject to the water conservation measures provided in the Plan. Condition #4, which is a standard condition staff recommends for all rezonings, would obligate the Applicant to install water fixtures compliant with the policy document.

13. Public Input: Complies.

The property owner did complete the required Citizen Review report, and received no response.

14. Hazardous Materials: Complies (Subject to Condition #4).

The Applicant proposes no use or storage of hazardous materials on the property. Should this change, however, Condition #4 would require compliance with local, state and federal laws and regulations concerning hazardous materials.

15. Compliance with Comprehensive/Area Plan Policies: Complies

The project site is within the Fry Townsite County Enclave, an area designated as "Enterprise Redevelopment" on the Comprehensive Plan map. These areas are defined as being "designated for improvement as a commercial/industrial area." The business would comply with the Comprehensive Plan policy regarding appropriate land uses in this area.

As stated, Condition #4 would require compliance with the Sierra Vista Sub-Watershed area plan.

VI. PUBLIC COMMENT

The Department sent notices to neighboring property owners within 1,000 feet. Staff posted the property on September 12, 2011 and advertised the request in the *Bisbee Observer* on September 8, 2011. To date, the Department has received no correspondence regarding the proposal from within the 1,000 foot notification area.

VII. SUMMARY AND CONCLUSION

Factors in Favor of the Rezoning

1. The Planning and Zoning Commission recommends conditional approval of this Docket.
2. The project site is designated as an Enterprise Redevelopment area on the Cochise County Comprehensive Plan, and as a heavy commercial use, the operation is in keeping with the policies regarding appropriate development in the area;
3. With the recommended conditions, the rezoning request complies with 12 of the 13 rezoning factors;
4. Two neighbors have expressed support in writing for the request.

Factors Against Approval

1. While the change in land use facilitated by the rezoning would not of itself create any nonconformance, the 60-foot width of the lot combined with the required 40-foot setback to the adjacent MH-72 District to the South would create the conditions for a non-conforming structure. Should the Board of Supervisors approve the rezoning request, this and other deficiencies, would be heard at a public hearing before the District 1 Board of Adjustment on September 28, 2011.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **conditional approval** of the rezoning request, with the conditions noted below.

Sample Motion: Mr. Chair, I move to adopt Zoning Ordinance 11-__, approving Docket Z-11-07, rezoning Parcel 106-70-072A to General Business, with the conditions of approval recommended in the staff report; the Factors in Favor of approval constituting the Findings of Fact.

The recommended approval conditions are as follows:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning.
2. The Applicant shall obtain a building permit within one year of Board of Supervisors approval of the rezoning, otherwise the rezoning approval shall be deemed null and void, and the property shall revert to the MH-72 Zoning District.
3. Prior to issuance of a certificate of occupancy for the Contract Construction Services operation, the Applicant shall obtain a right-of-way permit from the County Highway Department, and construct a commercial apron for access to the 5th Street road travelway that meets County standards.

4. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

IX. ATTACHMENTS

- A. Rezoning Application
- B. Location/Surrounding Zoning Map
- C. Land Use/Concept Plan
- D. Transportation Planner Memo
- E. Citizen Review and Public Comment
- F. Legal Notice
- G. Zoning Ordinance 11-__